TRIO Wolf Creek Distance Learning Charter School #4095

502 SEARCH OF STUDENT PERSONAL POSSESSIONS AND STUDENT'S PERSON

I. PURPOSE

The purpose of this policy is to provide for a safe and healthful educational environment by enforcing the charter school's policies against contraband.

II. GENERAL STATEMENT OF POLICY

A. Personal Possessions and Student's Person.

The personal possessions of students and/or a student's person may be searched when school officials have a reasonable suspicion that the search will uncover a violation of law or school rules. The search will be reasonable in its scope and intrusiveness. As soon as practicable after the search of a student's personal possessions, the school officials must provide notice of the search to students whose items were searched unless disclosure would impede an ongoing investigation by police or school officials. In addition, the student's parent or guardian will also be contacted to make notice of said search.

B. It shall be a violation of this policy for students to use school property for unauthorized purposes or to store contraband. It shall be a violation for students to carry contraband on their person or in their personal possessions.

III. DEFINITIONS

A. "Contraband" means any unauthorized item possession of which is prohibited by charter school policy and/or law. It includes but is not limited to weapons and "look-alikes," alcoholic beverages, controlled substances and "look-alikes," overdue books and other materials belonging to the charter school, and stolen property.

B. "Personal possessions" includes but is not limited to purses, backpacks, bookbags, packages, and clothing.

C. "Reasonable suspicion" means that a school official has grounds to believe that the search will result in evidence of a violation of charter school policy, rules, and/or law. Reasonable suspicion may be based on a school official's personal observation, a report from a student, parent or staff member, a student's suspicious behavior, a student's age and past history or record of conduct both in and out of the school context, or other reliable sources of information.

D. "Reasonable scope" means that the scope and/or intrusiveness of the search is reasonably related to the objectives of the search. Factors to consider in determining what is reasonable include the seriousness of the suspected infraction, the reliability of the information, the necessity of acting without delay, the existence of exigent circumstances necessitating an immediate search and further investigation (e.g. to prevent violence, serious and immediate risk of harm or destruction of evidence), and the age of the student.

IV. PROCEDURES

A. A school official conducting any other search may determine when it is appropriate to have a second official present as an observer.

B. A copy of this policy will be printed in the student handbook available on the Charter School's website or disseminated in any other way which school officials deem appropriate.

C. When deemed necessary for the safety of staff and student in the school, the drug canine unit can and will be utilized in the building for search purposes.

V. SEIZURE OF CONTRABAND

If a search yields contraband, school officials will seize the item and, where appropriate, turn it over to legal officials for ultimate disposition.

VI. VIOLATIONS

A student found to have violated this policy and/or the directives and guidelines implementing it shall be subject to discipline in accordance with the charter school's Student Discipline Policy, which may include suspension, exclusion, or expulsion, and the student may, when appropriate, be referred to legal officials.

Legal References: U.S. Const., amend. IV
Minn. Const., art. I, §10
New Jersey v. T.L.O., 469 U.S. 325, 105 S.Ct. 733, 83 L.Ed.2d 720 (1985)
G.C. v. Owensboro Public Schools, 711 F.3d 623 (6th Cir. 2013)

Cross References: Policy 417 (Chemical Use/Abuse)
Policy 418 (Drug-Free Workplace / Drug-Free School)
Policy 501 (School Weapons)
Policy 506 (Student Discipline)